

REMARKS

Applicants note that the Examiner has objected to claims 107 and 108 because claim 107 fails to indicate that the deposit DSM 12893 is a deposit of a microorganism and not of a vector. Applicants have responded by amending claim 107 to indicate that the vector is contained in the bacterium deposited under DSM 12893. Claim 108 is dependent upon claim 107 and need no further amendment. Thus Applicants believe that the Examiner's basis for objection to claims 107 and 108 has been overcome.

The Examiner has rejected claim 109 under 35 USC 112, first paragraph, as unsupported by the disclosure. The Examiner has questioned where in the specification antecedent basis may be found for the expression "isolated pyruvate carboxylase polypeptide having an amino acid sequence at least 95% identical to the amino acid sequence of the pyruvate carboxylase polypeptide having the complete amino acid sequence in SEQ ID NO:2. Applicants have amended claim 109 to delete "at least 95%" and replaced that term with - substantially -. Applicants believe that the term "substantially" is supported and clearly defined in the original application on page 8, line 7. Thus claim 109 is believed to be in full compliance with the requirements of 35 USC 112, first and second paragraphs.

Applicants and the Examiner have both become aware of recently issued US Patent 6,884,606 to SINSKEY et al and that this patent is related to US Patents 6,171,883 and 6,403,351.

Applicants believe that the claims of US Patent 6,884,606 should also be included in the present interference to be initiated between the instant application and US Patents 6,171,883 and 6,403,351. Accordingly Applicants are submitting new claims 110 through 118 which claim essentially the same invention as that claimed in US Patent 6,884,606. Antecedent basis for the new claims may be found in the original application on pages 5 through 9 and in the specific examples. Claims 110 through 118 are directed to the same subject matter that is covered by the claims of US Patent 6,884,606, namely, a method of making lysine or other amino acids by a fermentation process using a polynucleotide of SEQ ID NO:1 to express a polypeptide of SEQ ID NO: 2 to facilitate production of the lysine or other amino acids.

Favorable action in this case is earnestly solicited.

Respectfully submitted,
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Enclosure: Extension Petition